

Serial No. **10/565,809**
Amendment dated **August 24, 2009**
Reply to Office Action of **May 22, 2009**

Docket No. **YHK-0155**

REMARKS/ARGUMENTS

Claims 4, 30, 31, 34 and 35 are pending in this application. By this Reply, claim 4 is amended.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

The Applicants thank the Examiner for allowance of claims 30, 31, 34 and 35. However, reconsideration of the 35 U.S.C. §132(a) objection and the 35 U.S.C. §102(b) rejection of claim 4 is respectfully requested.

As previously indicated in the Reply filed April 22, 2009, the term “third class” was changed to “second class” for antecedent basis. Further, a claim term which has no antecedent basis in the disclosure is not necessary indefinite. See MPEP 2173.05(e).

The Section 132(a) and Section 112, first paragraph, stem from use of a term different from the specification. As the Patent Office may be aware and as set forth in MPEP 2163.02, the subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement.

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The fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). In view of Section 112, first and second paragraphs, requirements, the specification conveys with reasonable clarity to those skilled in the art that the second class recited in claim 4 corresponds to the third class described in the specification. Hence, there was support in the specification, and no new matter was added.

However, to expedite the prosecution, claim 4 has been amended per Examiner's suggestion. In view of the above, withdrawal of Section 132(a) and Section 112, first paragraph, rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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